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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Letter dated 9 July 2018 from the Secretary-General addressed to the President of the General Assembly

In accordance with the provisions of paragraph 6 (h) of General Assembly resolution ES-10/17, I have the honour to transmit herewith the progress report, dated 22 June 2018, from the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the General Assembly.

(*Signed*) António **Guterres**

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Annex

Letter dated 22 June 2018 from the members of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory addressed to the Secretary-General

We have the honour to provide the progress report of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory for transmission to the General Assembly in accordance with paragraph 6 (h) of Assembly resolution ES-10/17 (see enclosure).

We request that the progress report be issued as a document of the General Assembly. Our 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017 progress reports were issued as documents A/ES-10/455, A/ES-10/498, A/ES-10/522, A/ES-10/598, A/ES-10/599, A/ES-10/658, A/ES-10/683, A/ES-10/730 and A/ES-10/756, respectively.

(*Signed*) Ronald **Bettauer**
Member of the Board

(*Signed*) Harumi **Hori**
Member of the Board

(*Signed*) Matti **Pellonpää**
Member of the Board

Enclosure

Progress report of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory

1. The Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory provides the present progress report, in accordance with paragraph 6 (h) of General Assembly resolution ES-10/17, covering the period from 17 June 2017 to 22 June 2018. The Board's 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017 progress reports were contained in documents A/ES-10/455, A/ES-10/498, A/ES-10/522, A/ES-10/598, A/ES-10/599, A/ES-10/658, A/ES-10/683, A/ES-10/730 and A/ES-10/756, respectively. Board progress reports, as well as other basic documents pertinent to the work of the Register of Damage, are posted on the Register's website (www.unrod.org).

2. During the reporting period, the Register of Damage continued to undertake outreach activities in the occupied Palestinian territory in order to collect, process and consider claim forms for inclusion in the Register in accordance with its Rules and Regulations Governing the Registration of Claims.

3. Since its launch in 2008, the community outreach campaign has covered 269 communities with a population of approximately 1.3 million in the governorates of Janin, Tubas, Tulkarm, Qalqilyah, Salfit, Ramallah, Hebron, Bethlehem and Jerusalem. Thousands of printed posters and leaflets have been distributed to inform potential claimants of the requirements for completing a claim for registration of damage. During the reporting period, more than a hundred meetings were held by the claim intakers of the Register of Damage with governors, mayors, local councils and potential claimants in the areas covered by the outreach campaign. In addition, the Register of Damage organized two specialized seminars for mayors and local council officials from Jerusalem governorate on legal and organizational aspects of claim intake in their communities.

4. By 22 June 2018, 67,235 claim forms for registration of damage and more than 1 million supporting documents had been collected and delivered to the Office of the Register of Damage in Vienna. Claim-intake activities have been carried out in all nine affected governorates: Tubas, Janin, Tulkarm, Qalqilyah, Salfit, Hebron, Ramallah, Bethlehem and Jerusalem.

5. As at 22 June 2018, the Board had decided to include in the Register some or all of the losses set out in 30,626 claim forms and to exclude 1,080 claim forms in which none of the losses met the eligibility criteria, bringing the total number of decided claims to 31,706.

6. During the past year, the Office of the Register of Damage continued to process the claim forms at an accelerated pace. However, despite the diligent and dedicated work of the secretariat and the intensive work of the Board, there is a considerable gap between the number of claim forms collected and the number processed by the Office.

7. Since its previous report, the Board has held four meetings in Vienna to review claim forms that had been translated, processed and individually reviewed by Office staff. The Board met from 18 to 22 September and from 11 to 15 December 2017 and from 5 to 9 March and from 18 to 22 June 2018. At the four meetings, the Board reviewed and decided to include in the Register some or all of the losses set out in 919 claim forms, 1,099 claim forms, 829 claim forms and 1,013 claim forms, respectively. It decided not to include 6 claim forms, 1 claim form, 27 claim forms and 22 claim forms, respectively, since none of the losses in the forms met the

eligibility criteria in the Register of Damage's Rules and Regulations. The Board also decided to defer action on one claim form at its meeting in June.

8. The claim forms reviewed during the reporting period included 3,876 containing category A (agriculture) losses, 9 containing category B (commercial) losses, 15 containing category C (residential) losses and 7 containing category E (access to services) losses.

9. The Board, in its review of claims, continued to apply the eligibility criteria in accordance with article 11 of the Rules and Regulations. In view of the limited time available and the large number of claims for losses included in claim forms submitted to the Board for review by Office staff, the Board continued to employ sampling techniques as provided for in article 12 (3) of the Rules and Regulations. During the four meetings covered by the present report, Board members reviewed in detail approximately 10.2 per cent of the claims for losses included on the claim forms submitted for review. As indicated in the Board report of 2012, the Executive Director of the Register consulted a statistician informally concerning the sampling methodology applied by the Board. The level of sampling is within statistical parameters of reliability. Claims that did not meet the eligibility criteria were either excluded from the Register or returned to the claimants so they could provide clarification.

10. Previous Board progress reports identified some of the issues addressed and decisions reached during previous reporting periods. The following are among the issues addressed and decisions reached by the Board during the present reporting period:

(a) Land division agreements: the Board had previously decided that in cases where a land division agreement signed by all the heirs is provided, the agreement constitutes sufficient proof of the relinquishment of shares by the heirs who did not submit a claim, and shares may be recorded in accordance with the land division agreement, even if they differ from the shares set out in the relevant certificate of legacy. During its 2017/18 session, the Board decided that in cases where a land division agreement is signed by some of the heirs only, but purports to concern the shares of all heirs, including those whose signatures are missing, the shares will be recorded as unclear, as such an agreement does not constitute sufficient proof of the relinquishment of all the heirs' shares;

(b) Date of death: in several category A claims, claimants asserted the death of the relative from whom they inherited their shares in the land, but did not provide evidence of the date of the relative's death. In some of those cases, local authorities confirmed that the claimants' relatives had died either "a long time ago" or "before the construction of the Wall". The Board decided that, in the absence of any contradicting information, such confirmation provided by the local authorities will be considered sufficient to establish the claimants' interest in the land at the time of the construction of the Wall;

(c) Inaccurate claimed shares: in the absence of official documents evidencing share allocation, sometimes claimants submit claims for shares ostensibly based on the traditional distribution of shares under sharia law. However, in some claim forms, the claimed shares were entered using an erroneous mathematical formula, resulting in different share values from those that the claimants presumably intended to claim on the basis of sharia law. In such cases, the Board decided that the claimants' shares will be recalculated and recorded according to Islamic inheritance rules;

(d) Competing claims: the Board noted that in several cases where different claimants claimed the same losses, it was not possible to determine which claim was valid on the basis of the information provided. In such cases, the Board decided that,

since each claim appeared to meet the eligibility criteria, they should each be included in the Register with a notation that they are "competing claims";

(e) Duplication: some claimants from the villages of Bayt Kahil, Kafr Dan, Umm Salamuna and Qatanna submitted two category A claims for essentially the same livestock losses, but provided no explanation as to why the second claim was filed. In such cases, the Board decided that the claims with the earlier submission date may be included in the Register, while the claims with a later submission date will be rejected as duplicates;

(f) Position of grazing land in relation to the Green Line: claimants from some villages located near the Green Line submitted claims for losses stemming from the loss of access to private or communal pasture "west" of their villages after the construction of the Wall. Upon examination of maps and satellite images of the areas, it appears that some of the pasture located "west" and "behind" the Wall in relation to the villages is likely to be located on the Israeli side of the Green Line. The Board confirmed that in such cases, loss of access to those areas should be included in the Register if the claimant had unfettered access to the pasture prior to the construction of the Wall, and absent any indication that access had been lost for any reason other than the Wall. The Board took into consideration the fact that livestock grazed in a wide area west of the villages and that there was no demarcation of the Green Line or signs on the terrain, thus making it impossible to determine where the pasture crossed into Israel, and that prior to the Wall the claimants had not been prevented from accessing the area and grazing livestock there;

(g) Grazing in communal land: the Board decided that, in cases in which a person submits a claim for loss of access to grazing areas behind the Wall but has not clarified the basis of the right to use those areas, in the absence of any evidence to the contrary it should be assumed that the claimant used communal pastures and should be recorded as a "user of communal land";

(h) Shadow instances: the Board decided to insert a new explanation into its decision clarifying that "shadow instances" refer to additional instances created by the Office of the Register of Damage in the course of reviewing claims in order to allow the claimant's losses to be recorded more accurately.

11. As before, the Board would like to express its appreciation for the indispensable cooperation extended by the Palestinian National Authority and the Palestinian National Committee for the Register of Damage, as well as for the support provided by local governors, mayors and members of village councils on many practical aspects, without which outreach and claim-intake activities could not be undertaken successfully. As for the Government of Israel, it continues to consider that any claims in relation to damage caused by the construction of the Wall should be addressed through the existing Israeli mechanism. On the practical level, the Executive Director of the Register of Damage continues to maintain constructive contacts with relevant Israeli authorities, and, during the reporting period, the Office of the Register of Damage did not experience any problems with access, the delivery of needed materials or the issuance of required visas. On occasion, the security situation impeded claims-intake activity.

12. The Board of the Register of Damage notes with satisfaction the good cooperation with United Nations agencies and offices present on the ground in the Occupied Palestinian Territory, as called for in paragraph 14 of General Assembly resolution ES-10/17. The Board especially appreciates the efficient and tangible contribution provided by the United Nations Office for Project Services in the areas of logistics, procurement, human and financial resources, and management in support of the Register of Damage. During the reporting period, the Register of Damage also

continued to benefit from the advice and assistance of the Under-Secretary-General for Political Affairs and cooperation with the Department of Political Affairs.

13. The outreach and claim-intake activities in the Occupied Palestinian Territory are conducted by claim intakers of the Register of Damage. As of January 2018, the team of claim intakers was reduced from 10 to 3 staff members in view of the difficulties of raising extrabudgetary contributions. Such voluntary contributions had been received from 21 donors. The Governments of Algeria, Austria, Azerbaijan, Belgium, Brunei Darussalam, Finland, France, Jordan, Kazakhstan, Malaysia, Malta, Morocco, the Netherlands, Norway, the Philippines, Qatar, Saudi Arabia, Switzerland and Turkey, as well as the European Commission and the Organization of the Petroleum Exporting Countries (OPEC) Fund for International Development, have donated more than $6.7 million. Several Governments, as well as the OPEC Fund, have donated to the Register of Damage two or more times.

14. The Board would like to express its appreciation to those donors for providing funding and political support enabling the implementation of the provisions of General Assembly resolution ES-10/17.

15. The Board commends the staff of the Office of the Register of Damage for their diligent and dedicated work.

16. The Board of the Register of Damage will continue to provide periodic reports.